

Submitted by

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I request an extension to submit objections to this Final Rule.

This request is based on the lack of specificity of the organs affected with "malignant histiocytic sarcomas" as cited in the "Combined chronic/ carcinogenicity in rat" study in the Final Rule. I had requested a definition of the "histiocytic sarcomas" in an email I sent to Ann Sibold (Registration Division). In response, she recommended that I obtain, via the Freedom of Information Act (FOIA), the Human health risk assessment, related chronic/oncology studies, and the data reviews supporting the chlorfenapyr tolerance. On November 13, I put in a FOIA request for these documents. I request a time-delay of up to two weeks following receipt of these documents to submit objections to this Final Rule.

2

Clarification needed in Final Rule.

2.1

US EPA offers no explanation to the public as to why the tolerances requested (1.5 ppm), as published in the Federal Register of September 13, 2000, were lowered (1.0 ppm) in the Final Rule of September 26, 2003.

(a). In the Final Rule, US EPA states

II. Background and Statutory Findings. In the Federal Register of September 13, 2000 (65 FR 55236) (FRL- 6742-3), EPA issued a notice... announcing the filing of an amended pesticide petition (PP 6F4716) by BASF Agro Research, now BASF Corporation... The petition requested that 40 CFR 180.513 be amended by establishing a tolerance for residues of the insecticide chlorfenapyr... in or on vegetables, fruiting, group 8 at 1.0 parts per million (ppm).
Ref: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/September/Day-26/p24405.htm>

(b). However, in the Federal Register Notice of September 13, 2000, cited above, the petition was for a tolerance for residues in or on vegetables, fruiting, group 8 at 1.5 ppm.
Ref: <http://www.epa.gov/fedrgstr/EPA-PEST/2000/September/Day-13/p23245.htm>

(c). In a July 16, 2003, Federal Register Notice for another chlorfenapyr tolerance, BASF Corporation stated:

There are two tolerance petitions pending at EPA; 0.5 ppm tolerance on imported citrus and 1.5 ppm tolerance on greenhouse grown vegetable, fruiting, crop group 8.
Ref: ENVIRONMENTAL PROTECTION AGENCY [OPP-2003-0205; FRL-7312-7]. Chlorfenapyr; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food. Available

at: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/July/Day-16/p17900.htm>

2.1

In its Final Rule, US EPA states:

The original pesticide petition PP 6F4716 was filed by American Cyanamid (now BASF Agro Research) in 1996

I have been unable to locate the 1996 pesticide petition (PP 6F4716) in the Federal Register. US EPA should have specified the date of publication in the Federal Register.

2.2

Due to chlorfenapyr's potential for unusual myelinopathic alterations in the central nervous system in male rats, a discussion should have been included in this Final Rule for why male rats, and not female rats, are more sensitive. In addition, a characterization of the nature of the vacuoles in the central nervous system's white matter of the brain, spinal cord, and/or spinal nerve roots, reported in the studies, should have been available to the public.

Please inform me of your decision for my request for an extension to submit objections to this Final Rule.